



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

Certified Mail – Return Receipt Requested

April 1, 2015

Mr. Don R. Biad, Owner
2240 – A Pepper Road
Las Cruces, NM 88007

RE: Biad Chile Ltd. Co.; Industrial Multi-Sector General Permit; SIC 2034; NPDES
Compliance Evaluation Inspection; NPDES Permit No. NMU001889; March 25, 2015

Dear Mr. Biad:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at this facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with the federal Clean Water Act (CWA).

Problems noted during this inspection are listed in the attached inspection report. You are encouraged to review the inspection report, required to correct any issues noted during the inspection. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see above address) in writing within 30 days from the date of this letter. Further, notify in writing both USEPA and NMED regarding compliance issues at the address below:

Racquel Douglas
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any further questions regarding this inspection report, please contact Sandra Gabaldón at (505) 827-1041 or at sandra.gabaldon@state.nm.us

Sincerely,

/s/ Bruce J. Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

Cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Racquel Douglas, USEPA (6EN-WM) by e-mail
Brent Larson, USEPA (6EN-PP) by e-mail
Gladys Gooden-Jackson, USEPA (6EN-WC) by e-mail
Michael Kesler, Acting NMED District III Manager, by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 8 8 9 11 12 1 5 0 3 2 5 17 18 ~ 19 S 20 2					
D E H Y D R A T E D F R U I T V E G E T A B L E S					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 1 69	70 3	71 N	72 N	73 74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) BIAD CHILI LTD., CO. 8927 North Highway 185 Las Cruces, NM 88007 DONA ANA COUNTY	Entry Time /Date 1330 Hours / March 25, 2015	Permit Effective Date September 29, 2008
	Exit Time/Date 1400 Hours / March 25, 2015	Permit Expiration Date September 29, 2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Laura Lopez, Quality Control Director		Other Facility Data 32°26'13.49" N -106°52'44.28 W SIC – 2034 NAICS – 311423 Dehydrated Fruits, Vegetables, Soups
Name, Address of Responsible Official/Title/Phone and Fax Number Don Biad, Owner 2240-A Pepper Road Las Cruces, NM 88007	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

Biad Chili Ltd., Co., did not obtain Multi-Sector General Permit (MSGP) coverage prior to the permit expiring.

The MSGP has expired (September 29, 2013). However, this does not alleviate the facility from obtaining coverage when the new MSGP is issued. The new permit may be issued as soon as June 2015. This facility should acquaint themselves with the requirements of the MSGP. This includes the Stormwater Pollution Prevention Plan (SWPPP) and submittal of the eNOI (electronic Notice of Intent).

The facility may qualify for the NO EXPOSURE CERTIFICATION (appendix K) of the MSGP.

Name(s) and Signature(s) of Inspector(s) Sandra Gabaldon /s/ Sandra Gabaldon	Agency/Office/Telephone/Fax NMED/SWQB/(505) 827-1041/(505) 827-0610	Date 4-2-2015
Signature of Management QA Reviewer /s/ Michelle Lemon Michelle Lemon, Municipal Team Lead	Agency/Office/Phone and Fax Numbers NMED/SWQB/(505) 827-2819/(505) 827-0610	Date 4-2-2015

Biad Chili Ltd., Co.
NPDES Permit No. NMU001889
Multi-Sector General Permit (Industrial Stormwater)
Inspection Date: March 25, 2015

Further Explanations

Introduction:

On March 25, 2015, a Compliance Evaluation Inspection (CEI) was conducted at the Biad Chili Ltd., Co., 8927 North Highway 185, Las Cruces, New Mexico in Dona Ana County by Ms. Sandra Gabaldón of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB).

The purpose of this inspection was to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 (b)(14)(vi) and the industrial stormwater Multi-Sector General Permit (MSGP).

Upon arrival, Ms. Gabaldón made introductions and stated the purpose of the inspection to Ms. Laura Lopez, Quality Control Director. Ms. Gabaldón presented her credentials and explained the regulations under the NPDES permitting program.

Ms. Lopez was made aware of the requirements of the Multi-Sector General Permit, Sector U, Food and Kindred Products, SIC 2034. Ms. Lopez was given the Industrial fact sheet that details the requirements of Sector U. <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>

As explained, storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to *manufacturing, processing, or raw materials storage areas at an industrial plant.*

Biad Chili Ltd., Co. is classified in the Standard Industrial Classification system as (SIC) 2034, and as "dehydrated fruits, vegetables, and soups".

The facility appears to do most of their processing in a closed/covered area. This facility may qualify for the NO EXPOSURE CERTIFICATION, once the new permit is issued.

Clean Water Act (CWA) Industrial Stormwater Permit Requirements:

Section 301 (a) of the Federal Water Pollution Control Act states: "*Except as in compliance with this section and section 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.*"

Federal regulations in 40 CFR Part 122.21(a) Duty to Apply (1) states: *“Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”*

EPA’s first MSGP for stormwater discharges associated with industrial activity was issued on September 29, 1995, and has since been reissued in 2000 and 2008. The 2008 MSGP expired at midnight on September 29, 2013. The Federal Register notice announcing the proposed reissuance of the MSGP was published on September 27, 2013. Because of this timing, the new MSGP was not finalized prior to the expiration of the 2008 MSGP. Facilities that obtained coverage under the 2008 MSGP prior to its expiration were automatically granted an administrative continuance of permit coverage; the administrative continuance will remain in effect until a new permit is issued. Therefore, facilities already covered under the 2008 MSGP are not required to submit a new Notice of Intent (NOI) for permit coverage until the new MSGP is issued, and these facilities must continue to comply with all of the requirements in the 2008 permit, including requirements for monitoring and reporting.

Until the new MSGP is issued, *“new”* facilities (*i.e.*, those facilities not covered under the 2008 MSGP) that *begin discharging industrial stormwater after September 29, 2013 or were in operation prior to 2013 and did not obtain coverage under the 2008MSGP* are unable to file an NOI for general permit coverage. The No Action Assurance (NAAs) Memorandum dated March 27, 2014 covered these *newly-discharging* facilities, provided that these facilities: (1) meet the 2008 MSGP eligibility criteria; (2) notify the appropriate EPA permitting authority of their operator status and their intention to operate in accordance with the 2008 MSGP; and (3) comply with all requirements of the 2008 MSGP, including, but not limited to, stormwater pollution prevention plan (SWPPP) development and implementation and proper installation and maintenance of best management practices.

An industrial stormwater fact sheet for Sector U: Food and Kindred Products, including a summary of typical pollutants associated with activities and types of stormwater control measures (Best Management Practices - BMPs) used to minimize the discharge of those pollutants is available at USEPA’s website:

http://water.epa.gov/polwaste/npdes/stormwater/upload/sector_u_food.pdf

Food and Kindred Products – Sector U:

On November 16, 1990 (55 FR 47990), EPA promulgated the regulatory definition of “stormwater discharges associated with industrial activity.” This definition included point source discharges of stormwater from 11 major categories of facilities including: Facilities under Standard Industrial Classifications 20, 21. These SIC codes cover establishments manufacturing or processing foods and beverages for human consumption, and related products. Canned, frozen and Preserved Fruits, and Vegetables and Food Specialties (generally described by SIC Codes 2032, 2033, 2034, 2035, 2037 and 2038). This facility processes chili for human consumption and is classified as 2034 – Dehydrated Fruits, Vegetables and Soups; North American Classification System (NAICS) 311423.

Typical processing facilities do not conduct many processing operations outdoors. The nature of the business, and the required sanitary conditions, require that the raw materials through final product be protected from stormwater. As such, the contamination of stormwater from processing facilities is primarily from the loading and unloading of products and raw materials, spillage and leaks from tanks and containers stored outdoors, waste management practices, and pest control.

Possible pollutants associated with Sector U activities include:

Activity	Pollutant source	Pollutant(s)
A. Raw Material Unloading/Product Loading.	<ul style="list-style-type: none"> • Container defects (bags, drums, bottles, crates) • Spills and leaks during unloading/ loading (tanks, rail cars) • Failed connections (hoses and couplings) • Washdown of unloading/loading area 	BOD, TSS, O&G, pH, TKN.
B. Storage Containers:	<ul style="list-style-type: none"> • Failed piping and connections (couplings, flanges, hoses, and valves) • External corrosion and structural failure • Spills and overflows due to operator error 	BOD, TSS, O&G, pH.
Liquid Storage (i.e., above ground storage tanks).	<ul style="list-style-type: none"> • Outside containers • Open containers • External corrosion of the containers • Operator handling and transporting • Spills and leaks from damaged containers • Dust and particulates • Operator handling and transporting • Spills and leaks 	BOD, TSS, O&G, pH.
Liquid Storage (drums, carboys, and gallon jugs) .		BOD, TSS, pH.
Solid Storage (silos, holding bins, fiber drums, etc.).		BOD, TSS, O&G, pH.
C. Waste Management:	<ul style="list-style-type: none"> • Oven emissions • Vents • Fine solids handling • Dumpsters and trash cans • Spent equipment, scraps, etc. • Treatment processes (e.g., hydraulic overflow) • Outside piping and connections (couplings, flanges, hoses, valves, and pumps) 	BOD, TSS, O&G, pH.
Air Emissions		BOD, TSS, O&G, pH, copper, manganese.
Solid Waste		BOD, TSS, O&G, pH, fecal coli- form.
Wastewater		
D. Pest Control:	<ul style="list-style-type: none"> • Outside areas of applications 	Miscellaneous insecticides, rodenticides, pesticides, etc.. TKN.
Pesticides, rodenticides, insecticides.		BOD, TSS, O&G, pH.
E. Improper Connections to the Storm Sewer.	<ul style="list-style-type: none"> • Process wastewaters • Process floor drains • Sanitary sewers • USTs 	

Findings:

- The facility did not apply for permit coverage prior to the permit expiring in September 29, 2013. The MSGP permit has been issued since 1995 (the last issuance was in 2008).
- Ms. Lopez stated permit coverage will be sought when an active permit is issued (which may be as soon as June 2015).